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IRVINE CA 92606

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MAR 29 2005

OFFICE OF PETITIONS

In re Application of :
Movahed :
Application No. 10/057,202 :
Filed: January 23, 2002 :
Attorney Docket No. Q055 :
For: METHOD AND APPARATUS TO REMOVE
SUBSTANCES FROM VESSELS OF THE
HEART AND OTHER PARTS OF THE BODY
TO MINIMIZE OR AVOID RENAL OR OTHER
HARM OR DYSFUNCTION

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 1, 2005, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the non-final Office action, mailed July 2, 2004, which set an extendable three month period for reply. The application became abandoned on October 3, 2004. A Notice of Abandonment was mailed on February 7, 2005.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed.;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply

from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

Petitioner has not submitted a reply to the July 2, 2004 non-final Office action. Either an amendment in response to the Office action or a continuing application would be a proper reply.

The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

The correspondence address has been changed, as petitioner requested in a rather oblique fashion. In the future, petitioner should submit a separate paper to effectuate a change in correspondence address. A change of correspondence address must be provided in a manner calling attention to the fact that a change of address is being made. MPEP 601.03. If the request is not conspicuous, and as a result, is not recognized and entered into Office records, then petitioner will be responsible for any delay that arises.

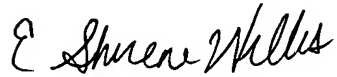
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (703) 872-9306 – ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is written in a cursive, flowing style.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions